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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/091,156	03/04/2002	John G. Amery	BOEI-1-1035	6022

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EXAMINER

PIZIALI, JEFFREY J

ART UNIT	PAPER NUMBER
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2673

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DATE MAILED: 03/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/091,156

Applicant(s)

AMERY ET AL.

Examiner

Jeff Piziali

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 March 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☒ Claim(s) 11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claim 11 is objected to because of the following informality: present claim language recites, "a method for producing a display image operator." However, this appears to be a typographical error that should instead read, "a method for producing a display image." Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 6, 12, and 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claims 6, 12, and 21 recite the limitation "the lenses" in line 2, line 2, and line 11 respectively. Preceding claim language speaks only to a singular lens, not a plurality of lenses. It would be unclear to one skill in the art if one or more lenses comprise the instant invention, as well as whether "lens" and "lenses" refer to the same claimed component(s). Accordingly, there is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Teitel (US 5,999,147).

Regarding claim 1, Teitel discloses a visual display system for producing a display image perceived as a far-focused virtual image by an operator, the display system comprising: a video image generation system including an image generator for generating a video signal (see Column 3, Lines 43-63); a video display [Fig. 5; 20], operatively connected to the image generator, for displaying a video image based on the generated video signal; and a lens [Fig. 5; 32] positioned between the operator [Fig. 5; 42] and the video display, wherein the operator perceives through the lens the displayed image as a far-focused virtual image [Fig. 5; 62] (see Column 5, Line 54 - Column 6, Line 65).

Regarding claim 2, Teitel discloses the lens is a positive aspheric lens (see Column 6, Lines 33-44).

Regarding claim 3, Teitel discloses the positive aspheric lens is a Fresnel type lens (see Column 6, Lines 54-65).

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Regarding claim 4, Teitel discloses the lens is an achromatic lens (see Column 6, Line 66 - Column 7, Line 14).

Regarding claim 5, Teitel discloses the achromatic lens is a Fresnel type lens with color separation correction (see Column 6, Line 54 - Column 7, Line 14).

Regarding claim 6, Teitel discloses the lens has an associated focal length designed such that the displayed image viewed through the lenses appears at a predetermined distance (see Column 6, Lines 1-32).

Regarding claim 7, Teitel discloses the lens includes a planar surface (see Fig. 5).

Regarding claim 8, Teitel discloses the lens is oriented substantially parallel to the video display and substantially perpendicular to a line extending from the operator's viewpoint (see Fig. 5).

Regarding claim 9, Teitel discloses the lens is one or more optical elements for producing a substantially distortion-free, collimated image (see Column 6, Lines 33-65).

Regarding claim 10, Teitel discloses the video display includes a flat-panel display (see Column 3, Lines 25-36).

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Regarding claim 11, this claim is rejected by the reasoning applied in the above rejection of claim 1.

Regarding claim 12, this claim is rejected by the reasoning applied in the above rejection of claim 6.

Regarding claim 13, this claim is rejected by the reasoning applied in the above rejection of claim 7.

Regarding claim 14, this claim is rejected by the reasoning applied in the above rejection of claim 8.

Regarding claim 15, this claim is rejected by the reasoning applied in the above rejection of claim 2.

Regarding claim 16, this claim is rejected by the reasoning applied in the above rejection of claim 3.

Regarding claim 17, this claim is rejected by the reasoning applied in the above rejection of claim 4.

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Regarding claim 18, this claim is rejected by the reasoning applied in the above rejection of claim 5.

Regarding claim 19, this claim is rejected by the reasoning applied in the above rejection of claim 9.

Regarding claim 20, this claim is rejected by the reasoning applied in the above rejection of claim 10.

Regarding claim 21, this claim is rejected by the reasoning applied in the above rejection of claims 1, 4, 6, and 7.

Regarding claim 22, this claim is rejected by the reasoning applied in the above rejection of claim 8.

Regarding claim 23, this claim is rejected by the reasoning applied in the above rejection of claim 5.

Regarding claim 24, this claim is rejected by the reasoning applied in the above rejection of claim 10.

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Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Fagan (US 3,909,525), Shanks (US 4,414,565), Cho et al. (US 4,576,458), Eichenlaub (US 5,457,574), and Omori et al. (US 5,568,314) are cited to further evidence the state of the art pertaining to visual display systems.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeff Piziali whose telephone number is (703) 305-8382. The examiner can normally be reached on Monday - Friday (6:30AM - 3PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala can be reached on (703) 305-4938. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



J.P.

26 February 2004



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